

raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure and the net proceeds of any rate assessed as hereinafter provided.

(2) For the purpose of raising money for expenditure by a Sanitary Board under this Act, the Collector may, subject to the same limit as is by section 18 (2) provided in respect of rates charged under section 18 (1), from time to time, in conference with such Board, charge and assess a rate on the inhabitants of the area or of any part of the area subject to the Board's authority.

(3) The burden of any rate charged under sub-section (2) shall be distributed over the several parts of the area subject to the Board's authority in such proportions as the Collector, in conference with the Board, directs, or, if the Collector, in conference with the Board, so determines, shall be placed wholly on one or more such parts.

## PART IV.

### GENERAL PROVISIONS.

Certain Government officers to advise Sanitary Committees and Boards.

**31.** The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by the first paragraph of section 33 of <sup>1</sup> Bombay Act I of 1884.

Removal from office of members, etc., of Sanitary Committees and Boards.

**32.** The Collector may, after recording his reasons for the same, remove from office any member or chairman of a Sanitary Committee and with the sanction of <sup>2</sup>[the Commissioner], any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies.

**33.** (1) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

(2) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred.

Questions to be decided by majorities.

**34.** Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present

<sup>1</sup> Vol. II of this Code.

<sup>2</sup> These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code:

and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board. Signing of summonses, etc.

36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other than the matters specified in clauses (a) and (b) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in default with confinement in the chāvdī for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid. Punishment for breach of rules made under this Act.

37. (1) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine, on such terms as to security as it shall seem to the committee or board necessary to impose. Order for levy of fines.

(2) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the Code of Civil Procedure in respect of the sale of moveable property in execution of decrees. Levy of fines and rates.

39. All fines levied in respect of breaches of rules made under this Act shall, after deducting the expenses, if any, of prosecuting the offenders, be Net proceeds of fines to be credited to account of

Committee or Board having authority over the villages in which offences are committed.

Contributions and loans from local boards.

paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30, and shall by him be placed to the credit of the account of the Sanitary Committee or Board having authority over the village in which the breach was committed, for expenditure on any purpose contemplated by this Act.

40. (1) Any District or Tálúqá Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

(2) Any sum so assigned shall be paid to the Mámlatdár or other officer appointed by the Collector under section 17 or 30, and shall by him be placed to the credit of the account of the Sanitary Committee or Board to which it is assigned.

(3) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed by the Collector, in conference with the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

41. (1) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards, and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as <sup>1</sup>[the Commissioner may appoint] in this behalf.

Recovery of cost of such works.

(2) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed by the Collector, in conference with each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (2), in respect of rates charged under section 18, clause (1).

<sup>1</sup> These words were substituted for the words "Government appoints" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(3) Where any work undertaken or proposed by a Committee or Board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Taluqa Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid and it shall thereupon be the duty of the District or Taluqa Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.

(4) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluqa or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

**42.** Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of <sup>1</sup>[the Commissioner], under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act.

**43. (1) The Collector shall—**

- (a) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the <sup>2</sup>Bombay Hereditary Offices Act due to a village-servant placed under the command of a Sanitary Committee or Board under the last preceding section ; and
- (b) if necessary, cause the amount which he determines to be due or the money value thereof at the market-rate of the time being, if the

<sup>1</sup> These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

<sup>2</sup> Vol. II of this Code.

due is payable in kind to be recovered on behalf of the village-servant entitled thereto, free of charge, as if the same were an arrear of land-revenue :

(2) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, <sup>1</sup>\* \* \* \* \* be <sup>2</sup>delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (1) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(2) And no public servant or person duly authorized or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

### SCHEDULE.

(See Section 3.)

Number and year of enactment.	Subject or title.	Extent of repeal.
<sup>1</sup> Bom. Act VII of 1867 ..	The Bombay District Police Act, 1867.	Sections 33 and 34.
<sup>1</sup> Bom. Act VIII of 1867 ...	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

<sup>1</sup> The words "with the sanction of Government," were omitted by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

<sup>2</sup> For notification sanctioning the delegation of powers by Collectors and Deputy Commissioners in Sind, see Bombay Local Rules and Orders, and for notification delegating powers to Assistant and Deputy Collector under certain sections of the Act, see Bombay Government Gazette, 1902, Pt. I, p. 1153.

<sup>3</sup> Vol. II of this Code.